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11 Attorneys for Defendant BMW North America, LLC

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
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16 BRIAN Y. CHO, as an individual and on  
behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 BWM OF NORTH AMERICA, LLC; and  
20 DOES 1-100,

21 Defendants.  
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Case No: 3:09-cv-03880-SI

Judge Assigned: Hon. Susan Illston

**STIPULATION TO CONTINUE HEARING  
DATE AND BRIEFING SCHEDULE ON  
DEFENDANT'S MOTION TO DISMISS AND  
MOTION TO STRIKE: DECLARATION OF  
DANIEL H. CHANG IN SUPPORT THEREOF;  
[PROPOSED] ORDER**

**[N.D. Cal. Local R. 6-2]**

1 WHEREAS, the parties in this action, subject to the Court's approval, wish to continue the  
 2 briefing schedule and hearing date on Defendant BMW OF NORTH AMERICA, LLC's Notice  
 3 of Motion and Motion to Dismiss Plaintiff's Individual Claims and Notice of Motion and Motion  
 4 to Strike Class Allegations ("the Motions") currently set to be heard on October 16, 2009, at 9:00  
 5 a.m..

6 WHEREAS, the parties request this continuance in order to further meet and confer  
 7 regarding the issues raised in the motions, and believe that if a continuance is granted, substantial  
 8 issues raised by the Motions can be resolved. As narrowing the issues is in the interest of the  
 9 Court and the parties, it is submitted that good cause exists for the Court to approve this stipulated  
 10 continuance.

11 The parties accordingly STIPULATE that, upon Court approval, the hearing date and  
 12 briefing schedule shall be continued as follows:

13 Plaintiff's Oppositions to Defendant's Motion to Dismiss Individual Claims and Motion to  
 14 Strike Class Allegations will be due on:

- 15 • **October 9, 2009 – OPPOSITIONS;**

16 Defendant's Reply Briefs in Support of its Motion to Dismiss and Motion to Strike will be  
 17 due on:

- 18 • **October 23, 2009 – REPLY BRIEFS;** and

19 The hearing date on the Motions will be continued to:

- 20 • **November 6, 2009 – HEARING DATE,** or any date thereafter pending the  
 21 Court's approval and availability.

22 This Stipulation has no effect on the schedule for the case, other than with respect to the  
 23 matters discussed above.

1 IT IS SO STIPULATED.

2  
3 Dated: September 24, 2009

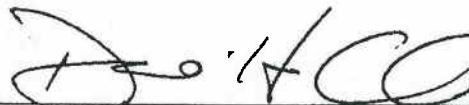
CARROLL, BURDICK & McDONOUGH LLP

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By: ERIC J. KNAPP

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8 Dated: September 24, 2009

DIVERSITY LAW GROUP

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By: DANIEL H. CHANG

**DECLARATION OF DANIEL H. CHANG IN SUPPORT OF STIPULATION TO EXTEND  
BRIEFING/HEARING SCHEDULE ON BMW NA'S MOTIONS**

I, Daniel H. Chang, declare as follows:

1. I am an attorney duly licensed to practice before the courts of the state of California, and am counsel of record for plaintiff Brian Cho in the above-entitled action. The matters referred to in this Declaration are based upon my personal knowledge and belief, and if called and sworn as a witness, I could and would competently testify as to each of them.

2. Recently, new counsel was associated in this case to represent Mr. Cho. New counsel will be entering his appearance in the near future.

3. On September 23, 2009, counsel for plaintiff and counsel for defendant met and conferred on defendant's pending Motion to Dismiss Individual Claims and Motion to Strike Class Allegations ("Motions"), including the briefing and hearing schedule thereon.

4. The parties agreed that an extension of time on the briefing and hearing schedule on defendant's pending Motions would be in the best interests of the Court and the parties. Specifically, the parties have agreed to further meet and confer regarding the issues raised in defendant's Motions, and genuinely believe that if an extension of time is granted, substantial issues raised in defendant's Motions can be resolved.

5. There are no prior time modifications in this case, either by stipulation or Court order.

6. The accompanying stipulated request for extension of the briefing and hearing schedule on defendant's Motions has no effect on the schedule for the case, other than with respect to the matters discussed above.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 24th day of September 2009, at Los Angeles, California.



DANIEL H. CHANG

**[PROPOSED] ORDER**

**IT IS HEREBY ORDERED THAT, GOOD CAUSE APPEARING:**

The hearing date on Defendant's Motion to Dismiss Plaintiff's Individual Claims and Motion to Strike Class Allegations is hereby continued to: \_\_\_\_\_.

**IT IS FURTHER ORDERED THAT:**

Plaintiff's Oppositions to Defendant's Motion to Dismiss and Motion to Strike must be filed no later than October 9, 2009, and that Defendant's Reply Briefs must be filed no later than October 23, 2009.

DATED: \_\_\_\_\_, 2009

\_\_\_\_\_  
HONORABLE SUSAN ILLSTON